

**Standard Operating Procedures
For
Investigating Environmental Complaints**

**Office of Environmental Compliance
Surveillance Division**

Revision 4

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Table of Contents

<u>Section No.</u>	<u>Title</u>	<u>Page</u>
1.0	<u>Scope and Applicability</u>	4
2.0	<u>Description of Process</u>	4

Attachment

1	<u>Response to Complainant Correspondence Template</u>
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1.0 Scope and Applicability

This Standard Operating Procedure (SOP) will be used by the Surveillance Division (SD) staff to ensure that environmental complaint investigations are adequately conducted. Other offices within DEQ may also adopt these procedures as appropriate and/or in the absence of an SOP specific to their environmental complaint-related activities.

It is a SD Strategic Plan and Operational Plan goal that the Department will address all environmental complaints within five working days of receipt. The Department recognizes the value of information obtained from outside the agency on environmental issues and seeks to use that information to ensure that the regulated community conducts their respective activities in an environmentally sound manner. The complaint process begins with the receipt of information concerning an alleged violation or environmental issue and may originate from a variety of sources, such as, but not limited to, private citizens, industry members and agency representatives.

2.0 Overview of SPOC

The Department has designated the Single Point of Contact (SPOC) to receive, log, and route citizen complaints to the appropriate regions in accordance with the SOP for SPOC Incident Data Entry into the TEMPO Database. The public contacts the agency either by contacting SPOC or the regional office directly. Information received at the regional office is immediately routed to SPOC to ensure that the complaint is properly logged in and assigned a tracking number. Once a number is assigned, SPOC routes the complaint to the regional office to ensure that the investigator has an official receipt of the complaint with the proper tracking number(s).

Each Regional Manager or his/her designee shall be the focal point of contact for receipt of complaints from SPOC for efficient complaint management and processing. Each manager shall enlist services from appropriate staff to ensure that all provisions of this SOP are efficiently implemented.

3.0 Agency Interest Number Usage for Complaints

An Agency Interest Number (AI number) will be assigned to each investigation. The AI number will be assigned to a facility, parish, or a basin subsection. The following procedures will determine the appropriate AI number:

- Complaints involving **a facility will be assigned to the facility's corresponding AI number**. If the facility does not have an AI number, then an AI will be requested according to the procedures outlined in the SOP for Compliance Inspections Conducted by OEC/Surveillance Personnel (CEI SOP).

- Complaints that **do not involve a regulated facility or occur at a location for which there is no address** (roadside, under bridges) will be assigned to the parish AI number.
- Complaints which **involve water related issues** (oil spills, fish kills) will be assigned to the basin subsegment AI number.

4.0 SD Complaint Assignment Process

The following sections describe the process SD will use to assign non-emergency and emergency complaints.

Incident Priorities will normally be decided by the assigned inspector based on current workload unless the complaint matches one or more of the following situations. At this point, the complaint will be given a higher priority.

Incident Type	Follow-up Priority
Emergency Situations	"Emergency, Immediate Reponse
Secretary Logs	High
Fish Kills	High
Oil Spills	High
High Profile Facilities	High
Chronic Complainants	Medium
As Determined by Administrator, Regional Manager,	Medium
As Determined by Supervisor or Inspector	Low

Once the investigation priority has been established, the following time frames will be used to schedule the inspection.

Investigation Time Frame	
Emergency Situation	Within 6 hours
High Priority	2 days
Medium	5 days
Low	5 days

The SD investigator will ensure that the investigation is initiated no later than five (5) working days from the notification date to the Department. An investigation is considered initiated when the assigned investigator acts upon the information provided, such as, but not limited to, conducting a site inspection, contacting the complainant for further information, conducting a file review to gain information on the alleged violator or contacting other DEQ divisions or external agencies to whom the complaint needs to be referred. Once the investigation has been initiated, the corresponding TEMPO entry will be updated with the "Initiated Investigation" task and completed date are added to the Action tab.

4.1 Non-emergency Complaint Assignment

Upon receiving the incident report form (compliant) at the regional office, the following will occur:

4.1.1 Supervisor Responsibilities

1. The complaint will be forwarded to the appropriate supervisor. Each regional office is responsible for setting up delegation procedures based on the make-up or organization of the office. For instance, the complaint can be forwarded within the region based on media, parish assignment, or group assignment.
2. The supervisor will review the complaint to establish the nature of the complaint, media, and/or applicability to DEQ's regulatory jurisdiction. Complaints belonging to other divisions within DEQ will be forwarded to that Division either in person or by fax to the appropriate supervisor or manager. Complaints outside the DEQ regulatory jurisdiction will be forwarded to the appropriate state agency. The corresponding TEMPO entry will be updated to reflect the forwarding process. For example, the TEMPO entry will be update to indicate either "Forwarded to Outside Agency" or "Forwarded to Small Business".
3. Also, the supervisor will briefly review the complaint's corresponding TEMPO entry for the following and make any obvious corrections:
 - a. Incident Type;
 - b. Incident Location Information;
 - c. Reassign to another group within the region (usually based on media).
4. Finally, the supervisor will assign the complaint to a member of his/her staff and forward the complaint form to the inspector. The supervisor will update the Lead Investigator box on the Description Tab with the name of the inspector.

4.1.2 Investigator Responsibilities

1. **Pre-Investigation Activities:** Upon receipt, the investigator will perform any or all of the following procedures, if applicable:
 - ✓ review the complaint for information and content;
 - ✓ review TEMPO to determine if the facility has an AI number;
 - ✓ For facilities with an AI number, the investigator will conduct perform a file review in EDMS and/or review recent inspection information in TEMPO.

- ✓ Contact the complainant for additional information, if applicable;
- ✓ Update incident in TEMPO by adding “initiate investigation” task and a completion date. Include a comment on the “Initiate Investigation” task that describes what action was taken to initiate the investigation; and
- ✓ Begin preparations for site visit.

2. **The Physical Investigation:** Upon arrival at the facility, the investigator will:

- ✓ Introduce himself/herself to facility personnel, property owner, or other witnesses and show his/her credential (DEQ ID badge);
- ✓ Review the complaint with facility, property owner, or other parties;
- ✓ Perform a physical inspection of the facility to verify the allegations noted in the complaint. Areas of concern noted during the investigation must be adequately documented in writing along with any necessary supporting documentation. For procedures on addressing issues of non-compliance, see the CEI SOP. However, if during the inspection, items or situation which would indicate the need for further investigation are noticed, then the investigation can be expanded to a CEI. Example of items that could expand the investigation are 1) unpermitted discharge/emission; 2) contamination going off-site of the facility; or 3) signs of illegal dumping of hazardous materials
- ✓ Review any paper work related to the investigation
- ✓ Complete a Field Interview Form (FIF), review the FIF with facility personnel or other parties; give a copy to the facility or other related party.

NOTES:

If the facility inquires about information regarding the complaint such as originator of the complaint, explain to the facility that the complaint form is a public document and a copy can be obtained by following LDEQ’s Public Records Request Policy #0005-90. If handy, the investigation can also give the facility Public Records contact information.

If the facility is uncooperative and/or denies access, immediately contact your supervisor for assistance.



If the complaint involves a private residence or other private property, make sure that the investigation complies with LRS 30:2012. LRS 30:2012 in a nutshell, are our rights as LDEQ investigators for entering private property of which include but are not limited to 1) unpermitted facility or equipment; 2) emergency condition; 3) present or potential danger to public health or the environment.

If you believe a particularly urgent condition to exist that requires immediate remedy, then immediately contact your supervisor for direction.

3. **Post-investigation Activities:** Upon completion of the investigation, the investigation will perform any or all of the following procedures

- ✓ Contact the complainant, if known, and verbally inform them of your findings within 15 working days of initiating the investigation or within 7 days of closing the incident.

The complainant may request a copy of the resulting report or of an issued enforcement action. If so, the complainant shall be informed of public records request procedures as found on the DEQ website (<http://www.deq.state.la.us/pubRecords/>). Public records are provided to citizens in accordance with the Department's public records request procedures found at PPM # 0005-90.

- ✓ Complete the TEMPO Data Entry, which is outlined in the Standard Operating Procedures for Incident Data Entry into the TEMPO Database, to ensure that this incident record is accurate as to the actual events that occurred.
- ✓ Review the TEMPO information received with the complaint and correct any errors, such as incident type**, parish of occurrence, addition of basin sub-segments, corrections to AI and facility name, quantities of material involved or materials released. **Incident type shall be changed if necessary to accurately reflect the "real" incident type. The use of "Complaint, miscellaneous" must be kept to a minimum.

4.2 Emergency Complaints

If the facility has compliance issues that may lead to an emergency condition, the investigator is to report areas of concern to supervision immediately and may request additional help as needed.

5.0 Report Documentation

5.1 Investigations with no Areas of Concern

Upon completion of the complaint investigation and TEMPO data entry, a hard copy of the TEMPO incident report and attachment(s) (FIF) will be submitted to the investigator's supervisor within 15 working days. Once the investigation report is completed, the supervisor will have 10 days to review the report and corresponding TEMPO entry for accuracy and completeness. A Transmittal Sheet will be attached to the incident and forwarded to EDMS.

5.2 Investigations with Areas of Concern

Report Preparation. A report narrative or appropriate checklist(s) will be completed for complaints being referred to enforcement as outlined in the CEI SOP. (Due to the limitation of characters in the TEMPO Incident, it is inappropriate to try to describe areas of concern in the comment section of the Source tab.) Sections of a report narrative or checklist(s) which do not directly relate to the complaint can be omitted with the approval of you supervisor.

TEMPO Data Entry. Data Entry for investigations resulting in area(s) of concern will follow the procedures outlined in the CEI SOP and SOP For Inspection Data Entry into TEMPO.

Report Routing. The routing of the report will follow the same submission and enforcement referral procedures as outlined in the CEI SOP.

TEMPO Action Tab. Use of the Action Tab to track sequence of events relative to the complaint is strongly encouraged. The level of detail recorded on the Action Tab will be at the discretion of the investigator's supervisor or manager.

6.0 Complaint Letters

Written correspondence will be sent to the citizen lodging the complaint using the form found in Attachment 1 when sufficient information is available for routing the correspondence through the U.S. Postal Service. The correspondence will be signed by the Regional Manager and will be sent within 10 working days of the Region receiving notification.

7.0 Training

The SD recognizes the need for specialized training for staff members handling complaints. This training shall include issues such as conflict resolution, negotiating skills and other public relations aspects, as well as proper documentation and timeliness in completing a complaint investigation. The training will include oversight and guidance from experienced inspectors in the region. The Regional Managers shall ensure that staff members handling complaints are adequately trained and kept current with said training. The Regional Managers will maintain training records to which the subject staff members are exposed consistent with PPM 4008-01 "Training".

ATTACHMENT 1

Response to Complainant Correspondence Template

BOBBY JINDAL
Governor



HAROLD LEGGETT, PH.D.
Secretary

Louisiana Department of Environmental Quality
Office of Environmental Compliance

April 7, 2008

CERTIFIED MAIL (XXXX XXXX XXXX XXXX XXXX)
RETURN RECEIPT REQUESTED

Complainant Name (Reporter Name from Reporter Tab)
Complainant Address (Reporter Address 1, 2, and 3, from Reporter Tab)
City, State Zip (Reporter Municipality, State and Zip, from Reporter Tab)

Dear Sir or Madame:

Your complaint has been received by the Department of Environmental Quality and will be investigated. Your complaint has been given Incident Number (Tempo-assigned incident number) and has been assigned to (Lead Investigator, from Description Tab) in our (Acadiana, Capitol, Northeast, Northwest, Southeast Southwest; interpreted from Enforcement Region in the Description Tab) Regional Office in (Municipality of the regional office, interpreted from the Enforcement Region in the Description Tab).

If you have provided a telephone number for return contact, the investigator will call you with the findings once the investigation is complete. Otherwise, if you have questions on the progress of this incident investigation, or have additional information to provide, you may contact (Lead Investigator) directly by telephone at (Telephone number of the Regional Office, interpreted from the Enforcement Region in the Description Tab).

Thank you for your concern for the environment of the State of Louisiana.

Sincerely,

Regional Manager Name
Regional Manager
XXXX Regional Office